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# MANUAL

of the

# ILLINOIS DAIRY AND FOOD LAW

Sanitary Food Law, Oleomargarine  
Law, Stock Food Law

and

Rules for Labeling

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In Force, July 1, 1911

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Compliments of  
A. H. JONES  
State Food Commissioner.

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Illinois State Food Commission.

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## ILLINIOS DAIRY AND FOOD LAW.\*

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AN ACT to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties and to repeal all Acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

PROVISION FOR APPOINTMENT OF A STATE FOOD COMMISSIONER AND THE ESTABLISHMENT OF A STATE FOOD DEPARTMENT.] That the Governor shall appoint a commissioner who shall be known as the State Food Commissioner, who shall be a citizen of the State of Illinois, and who shall hold his office for a term of four years and until his successor is appointed and qualified, and who shall receive a salary of thirty-six hundred dollars per annum, and his necessary expenses incurred by him in the discharge of his official duties, and who shall be charged with the enforcement of all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, sale, and labeling of food as herein defined, and to prosecute or cause to be prosecuted any person, firm or corporation, or agent

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\*Enacted 1907 and amended 1909 and 1911.

thereof, engaged in the manufacture or sale of any article manufactured or sold in violation of the provisions of any such law or laws. The Governor shall also appoint from time to time, as required, a Food Standard Commission, for the purpose of determining and adopting standards of quality, purity or strength, for food products, for the State of Illinois, to consist of three members, one of whom shall be the State Food Commissioner or his representative, who shall serve without extra pay; one of whom shall be a representative of the Illinois food manufacturing industries, and one of whom shall be an expert food chemist of known reputation; all to be citizens of the State of Illinois, who shall receive fifteen dollars (\$15.00) per day for a period not exceeding thirty (30) days in one year, and necessary expenses incurred during the time employed in the discharge of their duties: *Provided*, that said Food Standard Commission, in determining and adopting a standard of quality, purity, or strength, of milk or cream shall fix such standard as may be determined solely by the examination and test of milk or cream and the can or receptacle in which it is placed.

The said commissioner is hereby authorized to appoint, with the advice and consent of the Governor, one assistant commissioner, who shall be a practical dairyman, whose salary shall be three thousand dollars (\$3,000.00), per annum and expenses incurred in official duties. One chief chemist who shall be known as State Analyst, whose salary shall be twenty-five hundred dollars (\$2,500.00) per annum and expenses incurred in the discharge of official duties. One attorney whose salary shall be eighteen hundred dollars (\$1,800.00) per annum, and expenses incurred in the discharge of official

duties. One chief clerk, whose salary shall be eighteen hundred dollars (\$1,800.00) per annum and expenses incurred in the discharge of official duties. One assistant clerk, whose salary shall be twelve hundred dollars (\$1,200.00) per annum and expenses incurred in the discharge of official duties. Three stenographers at one thousand dollars (\$1,000.00) per annum. Twelve inspectors whose salaries shall be as follows: For the first two years of service twelve hundred dollars each, annually; for the third year of service, fourteen hundred dollars each, annually; and for each succeeding year of service an additional increase of one hundred dollars per year each, until the maximum of eighteen hundred dollars a year each is attained, and expenses incurred in the discharge of their official duties. Said commissioners shall also have authority to appoint one bacteriologist at eighteen hundred dollars (\$1,800.00) per annum and expenses incurred in the discharge of his official duties; and seven analytical chemists, whose salaries shall be as follows: For the first two years of service, twelve hundred dollars, each, annually; for the third year of service fourteen hundred dollars each, annually; for the fourth year of service, fifteen hundred dollars each, annually, and for each succeeding year of service an additional increase of one hundred dollars per year each, until the maximum of eighteen hundred dollars per year is attained, and expenses incurred in the discharge of their official duties, and one laboratory janitor at seven hundred and twenty dollars (\$720.00) per annum.

The said commissioner shall make annual reports to the Governor not later than the 15th of January, of his work and proceedings, and shall report in detail the number of in-

spectors he has appointed and employed, with their expenses and disbursements and the amount of salary paid the same, and he may, from time to time, issue bulletins of information, when in his judgment the interests of the State would be promoted thereby.

The said commissioner shall maintain an office and laboratory, where the business of said department may be conducted. This section shall not effect [affect] the term of office of the present commissioner, and he shall be regarded as having been appointed under the provisions of this Act.

The Food Commissioner shall make an analysis and examinations for the State Charitable Institutions, of foods, drugs, and such other supplies as the laboratory of the State Food Commission is equipped and prepared to examine and analyze.

§ 2. POWER OF COMMISSIONER AND INSPECTORS MAKING INSPECTION.] The State Food Commissioner, and such inspectors and agents as shall be duly authorized for the purpose, when and as often as they may deem it necessary for the purpose of determining whether any manufactured food complies with the law, shall examine the raw materials used in the manufacture of food products and determine whether any filthy, decomposed or putrid substance is used in their preparation. They may also examine all premises, carriages or cars where food is manufactured, transported, stored or served to patrons, for the purpose only of ascertaining their sanitary condition and examining and taking samples of the raw materials and finished products found therein; but nothing in this Act shall be construed as permitting such officers to enquire into, or examine methods or processes of manufacture,



or requiring or compelling proprietors or manufacturers, or packers of proprietary or other food products, to disclose trade rights or secret processes, or methods of manufacture. Said commissioner, inspectors and agents shall also have power and authority to open any package, can or vessel containing or supposed to contain any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this Act, or laws that now exist, or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. The employees of railroads, express companies or other common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding or disclosing the presence of any article prohibited by law, and in securing samples thereof as hereinafter provided for.

§ 3. REFUSAL TO ASSIST INSPECTOR A MISDEMEANOR.] Whoever, by himself, his agent, employee, or servant, hinders, obstructs, or in any way interferes with any inspector, analyst, or officer appointed hereunder, in the performance of his duty or in the exercise of his powers as defined in this Act, or whoever being an employee of a railroad, express company, or other common carrier refuses or fails upon request to assist the State Food Commissioner, the Assistant Commissioner, the State Analyst, or any Inspector appointed hereunder in tracing, finding or disclosing the presence of any article of food prohibited by law and in securing samples thereof as provided for in section 2 of this Act, shall be deemed guilty of a misdemeanor and shall be punished as hereinafter provided for,

§ 4. The person taking such sample as provided for in section 2 of this Act, shall in the case of bulk or broken package goods, divide the same into two equal parts, as nearly as may be, and in the case of sealed and unbroken packages, he shall select two of said packages, which two said packages shall constitute the sample taken, and properly to identify the same, he shall, in the presence of the person from whom the same is taken, mark or seal each half or part of such sample with a paper seal or otherwise, and shall write his name thereon and number each part of said sample with the same number and also write thereon the name of the said dealer in whose place of business the sample is found, and the person from whom said sample is taken shall also write his own name thereon, and at the same time the person taking said sample shall give notice to such person from whom said sample is taken that said sample was obtained for the purpose of examination by the State Food Commissioner. One part of said sample shall be taken by the person so procuring the the same to the State Analyst or other competent person appointed for the purpose of making examinations or analysis of samples so taken, and the person taking such sample shall tender to the person from whom it is taken the value of that part thereof so retained by the person taking said sample; the other part of said sample shall be delivered to the person from whom said sample is taken. If the person from whom said sample is taken has recourse upon the manufacturer or guarantor, either by operation of law or under contract for any failure on the part of said sample to comply with the provisions of this Act, then said per-

son from whom said sample is taken shall retain for the period of six months that part of said sample so delivered to him in order that said manufacturer or guarantor may have the same examined or analyzed if he so desires.

*Provided*, that the person procuring said sample may securely pack and box that part thereof retained by him and send the same to the State Analyst or other competent person appointed hereunder, and the testimony of the person procuring said sample that he did procure the sample and that he sealed and numbered the same as herein provided, and that he wrote his name thereon, and that he packed and boxed said part thereof and sent the same to the State Analyst or other competent person appointed hereunder, and the testimony of the person analyzing said sample that he received the same in apparent good order, that said sample was sealed, and the number thereof and the name of the sender, as herein provided for, was on said sample, and that the seal at the time the same was received was unbroken, shall be *prima facie* evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make *prima facie* proof.

§ 5. MANUFACTURING ADULTERATED OR MISBRANDED FOOD MISDEMEANOR.] It shall be unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is adulterated or misbranded within the meaning of this Act, and any person who shall violate any of the provisions of

this section shall be guilty of a misdemeanor and, on conviction thereof, shall be punished according to the provisions of this Act:

*Provided*, that no article of food shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country or purchaser, and prepared or packed according to the specifications or directions of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not except said article from the operation of any of the other provisions of this Act.

§ 6. POSSESSION MISBRANDED OR ADULTERATED ARTICLES PROHIBITED.] The having in possession of any article of food or drink which is misbranded or adulterated, with intent to sell the same, is hereby prohibited; and whoever shall have in his possession, with the intent to sell, or offer for sale, any article which is adulterated or misbranded within the meaning of this Act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as hereinafter provided. Proof that any person, firm or corporation has or had possession of any article which is adulterated or misbranded shall be *prima facie* evidence that the possession thereof is in violation of this section.

§ 7. TERM FOOD DEFINED.] The term "food" as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and any substance, used as a constituent in the manufacture thereof.

§ 8. DEFINES ADULTERATION.] That for the purpose of this Act, an article shall be deemed to be adulterated—

In case of confectionery:

*First*—If it contains terra alba, barytes, talc, chrome yellow, paraffin, mineral fillers or poisonous substances, or poisonous color or flavor.

*Second*—If it contains any ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound, or narcotic drug.

In case of food.

*First*—If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

*Second*—If any substance has been substituted wholly or in part for the article.

*Third*—If any valuable constituent of the article has been wholly or in part abstracted: *Provided*, that in the manufacture of skim or separated cheese the whole or part of the butter fats in the milk may be abstracted.

*Fourth*—If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or it is made to appear better or of greater value than it really is.

*Fifth*—If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, that when in the preparation of food products for shipment they are preserved by an external application, applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when such products are ready for consumption; and formaldehyde, hydrofluoric acid, boric acid,

salicylic and all compounds and derivatives thereof are hereby declared unwholesome and injurious.

*Sixth*—If it consists in whole or in part of a filthy, decomposed or putrid, infected, tainted or rotten animal or vegetable substance or article, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a deceased animal, or one that has died otherwise than by slaughter.

§ 9. MISBRANDED DEFINED.] The term “misbranded” as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or label[s] of which shall bear any statement, design, or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular; and to any such products which are falsely branded as to manufacturer, packer, or dealer who sells the same or as to the state, territory, or country in which it is manufactured or produced. That for the purpose of this Act an article shall also be deemed to be misbranded—

In case of food:

*First*—If it be an imitation of or offered for sale under the distinctive name of another article.

*Second*—If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of a package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica,

chloral hydrate, or acetanilid, or any derivative or preparation of any such substances contained therein.

*Third*—If in any package form and the contents are stated in terms of weight or measure, they are not correctly and plainly stated on the outside of the package.

*Fourth*—If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name of the article, and with either the name of the manufacturer and place of manufacture, or the name and address of the packer or dealer who sells the same.

*Fifth*—If the package containing it or its label shall bear any statement, design or device regarding the ingredients of the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in following cases:

First—In case of mixtures or compounds which may now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the article has been manufactured or produced.

Second—In case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*,



that the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and as applied to alcoholic beverages, only those distilled spirits shall be regarded as "like substances" which are distilled from the fermented mash of grain and are of the same alcoholic strength: *And provided, further,* that nothing in this Act shall be construed as requiring or compelling proprietors or manufactures of proprietary foods, which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

Third—In the case of mixtures of corn syrup (glucose) or corn sugar (dextrose) or corn sugar syrup, with cane or beet sugar (sucrose) or cane or beet sugar syrup, in food, if the maximum percentage of corn syrup (glucose) or corn sugar (dextrose) or corn sugar syrup, in such article of food be plainly stated on the label.

§ 10. CONDEMNATION AND CONFISCATION OF MISBRANDED OR ADULTERATED FOODS.] Any article of food or drink or liquor that is adulterated or misbranded within the meaning of this Act, or that is made, labeled or branded contrary to the provision of this Act, or that does not conform to the definition or analytical requirements provided in this Act, and is being sold or offered for sale or exposed for sale within the State of Illinois, shall be liable to be proceeded against in any court of record or before any judge thereof, or before any justice of the peace within whose jurisdiction the same may be found, and seized for condemnation and confis-



ation; and authority and jurisdiction are hereby vested in the several courts of record, the judges thereof in vacation, and the several justices of the peace, to issue the warrant and to hear and determine the proceedings herein provided for. Such proceedings shall be by complaint, verified by affidavit, and in the name of the People of the State of Illinois against the article or articles proceeded against, particularly describing the same, the place where they are located, the name of the person, firm or corporation in whose possession they are found, and wherein they violate the provisions of this Act. Thereupon said court, judge or justice of the peace shall issue a warrant directed to the sheriff, bailiff or any constable of the county, commanding such officer to seize and take into his possession the article or articles described in the complaint, and bring the same before the court, judge or justice of the peace who issued the warrant, and to summon the person, firm or corporation named in the warrant, and any other person who may be found in possession of the said articles to appear at the time and place therein specified, which service shall be made in the same manner as service or process in civil cases in such court or before such justice of the peace. The hearing upon such complaint shall be at the time and place specified in the warrant, which time shall be not less than five (5) days nor more than fifteen (15) days from the date of issuing the warrant: *Provided*, that if the execution and service of the warrant as aforesaid is had less than three (3) days before the return day of the warrant, then the claimant shall be entitled to a reasonable continuance. Upon the hearing the complaint may be amended, and any per-

son, firm or corporation that appears and claims the said article or articles shall be required to file its claim in writing. Except as herein provided, the proceedings shall conform as near as may be to the proceedings upon search warrants, except that either party may demand a trial by jury upon any issue of fact joined in any such case. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this Act, or as made, labeled or branded contrary to the provisions of this Act, or as not conforming to the definition or analytical requirements provided in this Act, the same shall be confiscated and disposed of by destruction or sale, as the court, judge or justice of the peace may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Illinois, but such article shall in no instance be sold contrary to the provisions of this Act: *Provided, however,* that upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the State Food Commissioner for the use of the People of the State of Illinois, to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, the court may, by order, direct that such articles be delivered to the owner thereof.

§ 11. VINEGAR TO BE BRANDED.] All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded with the name of the fruit or substance from which the same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and shall not be colored in imitation of cider vinegar. All

inegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, shall contain no foreign substance, and shall contain not less than four per cent, by weight, of absolute acetic acid. Any vinegar made or manufactured contrary to the provisions of this section shall be deemed to be adulterated within the meaning of this Act. Any vinegar which is not branded as herein provided shall be deemed to be misbranded within the meaning of this Act.

§ 12. EXTRACTS TO BE LABELED.] Extracts made of more than one principle shall be labeled in a conspicuous manner with the name of each principle, or else with the name of the inferior or adulterant; and in all cases when an extract is labeled with two or more names, such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided*, that all extracts which cannot be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "imitation" in letters similar in size and immediately preceding the name of the article: *Provided, further*, that prepared cocoanut, containing nothing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or "mixture." Any such extract not labeled as herein provided for shall [be] deemed to be misbranded within the meaning of this Act.

§ 13. BAKING POWDER—HOW LABELED.] No person by himself, his servant or his agent, or as the servant of any other person, shall, first,

make or manufacture baking powder or any other mixture or compound intended for use as baking powder; second, or sell, or exchange, deliver or offer for sale or exchange such baking powder or any mixture or compound intended for use as baking powder, unless the same shall contain not less than ten per cent available carbon dioxide and unless the common names of all the ingredients be printed on the label.

§ 14. ADULTERATED, SPIRITUOUS, MALT OR VINOUS LIQUORS PROHIBITED.] No person shall, within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spirituous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful and shall be deemed to be deleterious or detrimental to health when contained in such liquors, to wit: Cocculus indicus, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, darnel seed, extract of log wood, salts of zinc copper, copper or lead, alum, methyl alcohol and its derivatives and any extracts or compounds of any of the above drugs, substances or ingredients and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

§ 15. MUTILATING LABEL PROHIBITED.] Whoever shall deface, change, erase or remove any mark, label or brand provided for by this Act

th intent to mislead, deceive or to violate y of the provisions of this Act, shall be held ble to the penalties of this Act.

§ 16. SALE OF UNCLEAN OR UNWHOLESOME MILK FOR CONSUMPTION AND UNSANITARY CONTAINERS PROHIBITED.] No person; firm or corporation shall offer for sale, or sell to any person, firm or corporation, creamery or cheese factory, any unclean, unhealthful, unwholesome adulterated milk or cream or any milk or cream which has not been well cooled or to which water or any foreign substance has been added, or milk or cream which has been handled or transported in unclean or unsanitary vessels or containers: *Provided*, that nothing in this section shall be construed to prevent the sale of skim milk to factories engaged in the manufacture of skim milk products, nor the sale of skim milk under the provisions of section 19 of this Act.

§ 17. PERSONS RECEIVING MILK TO WASH CANS.] Any person, firm or corporation who receives from any other person, firm or corporation, any milk or cream in cans, bottles or vessels which have been transported over any railroad or boat line, where such can, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly cleansed and aired.

§ 18. NOT TO MANUFACTURE FOOD FROM IMPURE OR UNCLEAN MILK OR CREAM.] No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

§ 19. SALE OF SKIM MILK — CANS — HOW LABELED.] No person, firm or corporation shall sell, or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle, used in transporting milk from which cream has been removed, any such milk or milk commonly called "skim milk" without first attaching to the can, vessel or other package containing said milk, a tag with the words "skim milk" printed on both sides of the said tag in large letters, each letter being at least three-fourths of an inch high and one-half inch wide. Said tag shall be attached to the top or side of said can, vessel or package where it can be easily seen.

§ 20. INSTRUMENTS FOR MEASURING MILK AND CREAM STANDARD.] The State standard milk measure or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tube or bottles for milk shall have a capacity of two cubic centimeters at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof. For cream nine or eighteen grams shall be used, and the standard test tubes or bottles for cream shall have a capacity of three or six cubic centimeters, respectively, at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other measure, pipette, test tubes or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk is determined by the per cent of butter fat contained in the same. Any manu-

cturer, merchant, dealer, or agent in this State who shall offer for sale or sell a cream or milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in this Act.

§ 20a. No person shall operate a milk or cream testing apparatus to determine the percentage of butter fat in milk or cream for the purpose of purchasing the same either for himself or for another without first securing a license from the dairy and food commissioners of this State, authorizing such person to so operate such tester. Any person desiring to secure such license shall make application herefor on a blank to be prepared and provided by the dairy and food commissioner, and such applicant, before being issued such license, shall pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same.

Such license shall be issued for a period of two (2) years from and after the date of its issuance and a fee of one dollar (\$1.00) shall be paid for such license by the licensee upon the issuance thereof. The dairy and food commissioner for just cause shall have authority to revoke any license issued under the provisions of this Act.

The fees collected under the provisions of this section shall be paid into the State treasury monthly by the dairy and food commissioner.

§ 21. UNDERREADING BABCOCK TEST PROHIBITED.] It shall be unlawful for the owner, manager, agent, or any employee of a creamery



or cheese factory to manipulate or underread the Babcock test, or any other contrivance used for determining the quality or value of milk or cream or to falsify the record thereof, or to pay for such milk or cream on the basis of any measurement except the true measurement as thereby determined.

§ 22. SALE OF PRESERVATIVES PROHIBITED.] No person, firm or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as a preservative or other adulterant of milk, cream, butter or cheese, nor shall he manufacture for sale, advertise, offer or expose for sale or sell any unwholesome or injurious preservative or any mixture or compound thereof intended as a preservative of any food. *Provided, however,* that this section shall not apply to pure salt added to butter and cheese.

§ 23. VEHICLES TO BE MARKED.] Any person, firm or corporation, who shall in any of the cities, incorporated towns or villages of this State which contains a population of 5,000 or over, engage in or carry on a retail business in the sale or exchange of, or any retail traffic in milk or cream shall have each and every carriage or vehicle from which the same is vended, conspicuously marked with the name of such vendor on both sides of such carriage or vehicle.

§ 24. ILLEGAL LARD.] No person shall, within this State, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

§ 25. LARD SUBSTITUTE.] No person shall manufacture for sale within this State, or have in his possession with intent to sell, offer or



pose for sale, or sell, as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils or fats other than the fat of the hog, or any mixture or combination with any animal or vegetable oils or fats, unless the cask, barrel, tub, pail or package containing the same shall be distinctly and legibly branded or labeled with the name of the person, firm or corporation making the same, together with the location of the manufactory and the words "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend," as the case may be, or unless the same shall be sold under its own distinctive name, as provided for in section 9 of this Act.

§ 26. PERSONS SELLING IMITATION OR SUBSTITUTE FOR LARD TO INFORM PURCHASER.] It shall be unlawful to sell or offer for sale any "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend," as herein defined, without informing the purchaser thereof, the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend," as the case may be.

§ 27. SALE OF PROCESS BUTTER NOT BRANDED PROHIBITED.] No person, firm or corporation, agent or employee, shall manufacture for sale, sell or offer or expose for sale, in this State, any butter that is produced by taking original packing stock butter, or other butter, or both, and melting same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by

any process that is commonly known as boiled process or renovated butter, unless the same is branded or marked, as provided in section 28 of this Act.

§ 28. PROCESS BUTTER—HOW BRANDED.] No person, firm or corporation, agent or employee shall sell, or offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter, as defined in section 27 of this Act, unless the words "Renovated Butter" shall be plainly branded with gothic or bold face letters at least three-fourths' of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case or package, or on the wrapper of prints or rolls or bulk packages in which it is put up. If such butter is exposed for sale uncovered, or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

§ 29. ILLEGAL FOODS TO BE SEIZED.] Whenever the commissioner or his agents shall have ground for suspicion that any article of food, found in possession of any person, firm or corporation, is adulterated or misbranded within the meaning of this Act, he may seize such article of food and make an inventory thereof, and shall leave a copy of such inventory with the party holding such suspected goods, and tag the same "suspected;" and he shall notify in writing the person, firm or corporation in whose possession it may be found, not to offer the same for sale or sell or otherwise dispose of the same until further notice in writing from the commissioner. Whereupon the com-

1. Commissioner shall forthwith cause a sample of  
 2. said article of food to be examined or analyzed,  
 3. and if the same shall be found to be adulter-  
 4. ed or misbranded within the meaning of this  
 5. act, the commissioner shall proceed with a  
 6. hearing and subsequent proceedings as pro-  
 7. vided in this Act. If, however, such exami-  
 8. nation or analysis shall show that such article  
 9. of food complies with the provisions of this  
 10. act, the person, firm or corporation in whose  
 11. possession such article of food is found shall  
 12. forthwith be notified in writing that said  
 13. seizure is released, and authority given to dis-  
 14. pose of such article of food. Such seizure may  
 15. be had without a warrant and said commis-  
 16. sioner, and all inspectors and agents appointed  
 17. pursuant to law, are hereby given full power  
 18. and authority of "policemen." Any court hav-  
 19. ing jurisdiction, upon receiving proof of prob-  
 20. able cause for believing in the concealment of  
 21. any food or dairy product or substitutes there-  
 22. for, or imitation thereof, kept for sale or for a  
 23. purpose, or had in possession or under control,  
 24. contrary to the provisions of this Act, or other  
 25. laws which now exist or may be hereafter en-  
 26. acted, shall issue a search warrant and cause  
 27. a search to be made in any place therefor, and  
 28. to that end may cause any building, enclosure,  
 29. wagon or car to be entered, and any apartment,  
 30. chest, box, locker, tub, jar, crate, basket or  
 31. package to be broken open and the contents  
 32. thereof examined.

§ 30. SEARCH WARRANTS TO BE ISSUED FOR  
 [ILLEGAL FOOD.] All warrants issued pursuant to  
 section 29 hereof shall be directed to the  
 sheriff, bailiff or some constable of the county  
 where such food or dairy products may be sup-  
 posed to be concealed, commanding such officer  
 to search the house or place where such food or

dairy product, or substitute thereof, or imitation thereof for which he is required to search is believed to be concealed, which place and the property to be searched for, shall be designated in the warrant, and to bring such food or dairy product or substitute therefor or imitation thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case to be proceeded against as herein before provided for in section 10 of this Act.

§ 31. STATE'S ATTORNEY TO ASSIST.] It shall be the duty of the State's Attorney in any county of this State when called upon by the commissioner or any of his assistants, to render any legal assistance in his power to execute the law and to prosecute cases arising under the provisions of this Act: *Provided*, that no person shall be prosecuted under the provisions of this Act for selling or offering for sale an article of food or drugs as defined herein, when the same is found to be adulterated or misbranded within the meaning of this Act, in the original unbroken package in which it was received by said person when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in this State, from whom he purchased such article, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer; within the meaning of this Act, designating it. Said guaranty to afford protection shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties as provided for in this

Act: *Provided*, that no such guaranty shall operate as a defense to prosecutions for the violation of this Act. First, if the dealer shall continue to sell after notice by the State Food Commissioner that such article is adulterated or misbranded within the meaning of this Act; second, if the dealer shall fail to preserve for the manufacturer or guarantor and deliver to him upon demand the sample left with him by the commissioner or his agent.

§ 32. STATE BOARD OF HEALTH TO FURNISH SAMPLES.] The State Board of Health may submit to the commissioner or any of his assistants samples of food or drink for examination or analysis, and shall receive special reports showing the results of such examination or analysis.

§ 33. STATE ANALYST SHALL NOT FURNISH CERTIFICATE OF PURITY.] It shall be unlawful for the State Analyst or any assistant State Analyst to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

§ 34. USING SHIFT OR DEVICE.] The use of any shift or device to evade any of the provisions of this Act shall be deemed a violation of such provision and punishable as herein provided.

§ 35. MASTER'S LIABILITY, ETC.]. Whoever shall, by himself or another, either as principal, clerk or servant, directly or indirectly, violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished as herein provided.

§ 36. PENALTIES, LICENSE FEES AND PROCEEDS PAID TO THE STATE TREASURER.] All fines, penalties, and all proceeds collected from goods con-

fiscated and sold under the provisions of this Act and other laws relating to dairy and food products, and all license fees collected hereunder, shall be paid into the State treasury.

§ 37. LABEL—SIZE OF TYPE.] The principal label on any package of food, as defined by this Act, shall be printed plainly and legibly in English with or without the foreign label in the language of the country where the product is produced or manufactured and the size of type, if not otherwise described in this Act, shall not be smaller than EIGHT-POINT (BREVIER) CAPS: *Provided*, that in case the size of the package will not permit the use of eight-point cap type, the size of the type may be reduced proportionately.

§ 38. FOOD COMMISSIONER TO MAKE RULES AND REGULATIONS.] The State Food Commissioner shall make rules and regulations for carrying out the provisions of this Act, and shall have power to make rules and regulations for the analyzing and reporting the results thereof, of articles submitted for analysis by the State Board of Health, and regulating the analyzing and reporting thereon of samples taken under any law or laws of the United States by any person hereunder, or furnished by any officer or employee charged with the enforcement of the laws of the United States relative to the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, dairy products or articles manufactured from dairy products or liquors.

§ 39. STANDARD OF PURITY AND STRENGTH.] In the enforcement of this Act, and in the construction thereof, the following named articles of food stuffs, when offered for sale or exposed

for sale, or sold, shall conform to the analytical requirements set opposite each, respectively.

*Milk* shall contain not less than three (3) per cent of milk fat and not less than eight and one-half (8.5) per cent of solids, not fat.

*Cream* shall contain not less than eighteen (18) per cent of milk fat.

*Maple Sugar* shall contain not less than sixty-five one-hundredths (0.65) per cent of maple ash in the water-free substance.

*Honey* is laevo-rotory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash and not more than eight (8) per cent of sucrose.

*Cloves* shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

*Black Pepper* shall contain not less than six (6) per cent of nonvolatile ether extract, not less than twenty-five (25) per cent of pepper starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

*Lemon Extract* shall contain not less than five (5) per cent of oil of lemon by volume.

*Orange Extract* shall contain not less than five (5) per cent of oil of orange by volume.

*Vanilla Extract* shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.



*Olive Oil* has a refractive index (25° C.) not less than one and forty-six hundred and sixty ten thousands (1.4660) and not exceeding one and forty-six hundred and eighty ten thousandths (1.4680), and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

*All Vinegars* shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20° C.).

*Cider Vinegar* shall contain not less than six-tenths (0.6) grams of apple solids, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20° C.).

*Wine Vinegar* shall contain not less than one (1) gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20° C.).

*Malt Vinegar* shall contain in one hundred (100) cubic centimeters (20° C.) not less than two (2) grams of solids and not less than two-tenths (0.2) gram of ash.

In the enforcement of this Act and the construction thereof all articles of food not defined in this Act, when offered for sale or exposed for sale, or sold, shall conform to the definition and analytical requirements of the standard adopted and promulgated from time to time by the State Food Standard Commission: *Provided*, such standards for any article of food or drink, or for any substance used or intended to be used in food or drink shall be deemed *prima facie* evidence of the proper standard of quality, purity and strength of any such article or substance, but shall only be deemed such *prima facie* evidence in the trial of cases brought in the proper courts to enforce the provisions of this Act: *Provided*, that nothing



in this section shall be construed to prevent the sale of any wholesome food product which varies from such standards, if such articles of food be labeled so as to clearly indicate such variation.

§ 39a. Whoever offers for sale, exposes for sale, or sells any article of food which does not conform to the definition or analytical requirements provided for in section 39 of this Act shall be guilty of a misdemeanor and shall be punished as herein provided.

§ 40. PRELIMINARY HEARING BY THE COMMISSIONER.] When it appears from the examination or analysis that the provisions of this Act have been violated, the Food Commissioner shall cause notice of such fact together with a copy of the findings, to be given to the party or parties from whom the sample was obtained; and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer, by registered mail. The receipt of the postoffice department for such registered notice shall be received as *prima facie* evidence that such notice has been given. The party, or parties, so notified, shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private, and the parties interested therein may appear in person or by attorney. If, after such hearing, the Commissioner shall believe this Act has been violated, he shall cause the party or parties whom he believes to be guilty, to be prosecuted forthwith, under the provisions of this Act. No action or prosecution shall be instituted against any person for a violation of

the provisions of this Act, unless the same shall have been commenced within six months from the taking of said sample.

§ 41. PENALTY. Any person convicted of violating any of the provisions of the foregoing Act shall, for the first offense, be punished by fine in any sum not less than fifteen (15) dollars, and not more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court, and for the second and each subsequent offense by a fine of not less than twenty-five (25) dollars and not more than two hundred (200) dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court; or the fine above may be sued for and recovered before any justice of the peace or any other court of competent jurisdiction in the county where the offense shall have been committed, at the instance of the State Food Commissioner or any other person in the name of the People of the State of Illinois as plaintiff and shall be recovered in an action of debt.

§ 42. JUDGMENT—ISSUING CAPIAS.] When the rendition of the judgment imposes a fine as provided in any of the sections of this Act, it shall be the duty of the justice of the peace or other court rendering such judgment also to render a judgment for costs and such justice of the peace or other court shall forthwith issue a capias or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid the defendant shall be committed to the jail of the county and the constable or other officer, to whose hands said capias or warrant shall come, shall in default of such payment, arrest the defendant and commit him to the jail of

the county, there to remain as provided in section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1885, unless such fine and costs shall sooner be paid.

§ 43. REPEAL.] All Acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, that nothing in this Act contained shall be construed as repealing the Act entitled, "An Act to regulate the manufacture and sale of substitutes for butter," approved June 14, 1897, in force July 1, 1897, or any part thereof.

Approved May 14, 1907, in force July 1, 1907.

Amendment to section 39, approved June 14, 1909, in force July 1, 1909.

Sections 20a and 39a and amendments to sections 1, 3, 4, 9, 10, 11, 12, 20, 21 and 40, approved June 6, 1911, in force July 1, 1911.

## SANITARY FOOD LAW.

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AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof.

SECTION 1. *Be it enacted by the People of the of the State of Illinois, represented in the General Assembly:* That every building, room, basement, enclosure or premises, occupied, used or maintained as a bakery, confectionery, cannery, packing house, slaughter house, creamery, cheese factory, restaurant, hotel, grocery, meat market, or as a factory, shop, warehouse, any public place or manufacturing establishment used for the preparation, manufacture, packing, storage, sale or distribution of any food as defined by statute, which is intended for sale, shall be properly and adequately lighted, drained, plumbed and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced, prepared, manufactured, packed, stored, sold or distributed.

§ 2. The floors, sidewalls, ceilings, furniture, receptacles, implements and machinery of every such establishment or place where such

food intended for sale is produced, prepared, manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of such food products, shall at no time be kept or permitted to remain in an unclean, unhealthful or insanitary condition; and for the purpose of this Act, unclean, unhealthful and insanitary conditions shall be deemed to exist if food in the process of production, preparation, manufacture, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt, and as far as may be necessary, by all reasonable means, from all other foreign or injurious contamination; or if the refuse, dirt or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing or transportation of such food are not removed daily, or if all trucks, trays, boxes, buckets or other receptacles, or the shutes, platforms, racks, tables, shelves, and knives, saws, cleavers or other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning or other processes are not thoroughly cleaned daily; or if the clothing of operatives, employees, clerks or other person therein employed, is unclean.

§ 3. The sidewalls and ceilings of every bakery, confectionery, creamery, cheese factory, and hotel or restaurant kitchen shall be so constructed that they can easily be kept clean; and every building, room, basement, or inclosure occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable material which can be flushed and washed clean with water.

§ 4. All such factories, buildings, and other places containing food, shall be so provided with proper doors and screens adequate to prevent contamination of the product from flies.

§ 5. Every such building, room, basement, inclosure, or premises occupied, used or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of such food, shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet rooms shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling and distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other non-absorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues and pipes discharging into soil pipes or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the wash room shall be near the exit to the toilet and shall be supplied with soap, running water and towels and shall be maintained in a sanitary condition.

§ 6. If any such building, room, basement, inclosure or premises occupied, used or maintained for the purposes of the aforesaid, or if the floors, sidewalls, ceilings, furniture, receptacles, implements, appliances or machinery of any such establishment, shall be constructed, kept, maintained, or permitted to remain in a condition contrary to any of the requirements or provisions of the preceding five (5) sections of this Act, the same is hereby declared a nuisance, and any toilet, toilet room, lavatory or wash room as aforesaid, which shall be con-

structed, kept, maintained or permitted to remain in a condition contrary to the requirements or provisions of section five (5) of this Act, is hereby declared a nuisance; and any car, truck, or vehicle used in the moving or transportation of any food product as aforesaid, which shall be kept or permitted to remain in an unclean, unhealthful or insanitary condition is hereby declared a nuisance. Whoever unlawfully maintains, or allows or permits to exist a nuisance as herein defined shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as herein provided.

§ 7. Every person, firm or corporation operating or maintaining an establishment or place where food is produced, prepared, manufactured, packed, stored, sold or distributed shall provide the necessary cuspidors for the use of the operatives, employees, clerks, and other persons and each cuspidor shall be thoroughly emptied and washed out daily with water or a disinfectant solution, and five ounces thereof shall be left in each cuspidor while it is in use. Whoever fails to observe the provisions of this section shall be guilty of a misdemeanor, and punished as hereinafter provided.

§ 8. No operative, employee, or other persons shall expectorate on the food or on the utensils or on the floors or sidewalls of any building, room, basement or cellar where the production, preparation, manufacture, packing, storing or sale of any such food is conducted. Operatives, employees, clerks, and all other persons who handle the material from which such food is prepared or the finished product, before beginning work, or after visiting toilet or toilets, shall wash their hands thoroughly in clean water. Whoever fails to observe or violates the pro-

visions of this section shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars.

§ 9. It shall be unlawful for any person to sleep, or to allow or permit any person to sleep in any work room of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory or any place where food is prepared for sale, served or sold, unless all foods therein handled are at all times in hermetically sealed packages.

§ 10. It shall be unlawful for an employer to require, suffer or permit any person who is affected with any contagious or venereal disease to work, or for any person so affected to work, in a building, room, basement, inclosure, premises or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of food.

§ 11. It shall be the duty of the State Food Commissioner and those appointed by him to enforce this Act, and for that purpose the State Food Commissioner and his appointees shall have full power at all times to enter every such building, room, basement, inclosure or premises occupied or used or suspected of being occupied or used for the production, preparation or manufacture for sale, or the storage, sale, distribution or transportation of such food, to inspect the premises and all utensils, fixtures, furniture and machinery used as aforesaid; and if upon inspection any such food producing or distributing establishment, conveyance, or any employer, employee, clerk, driver, or other person is found to be violating any of the provisions of this Act, or if the production, preparation, manufacture, packing, storage, sale, distribution or transportation of such food is being conducted in a manner detrimental to the health of the employees



and operatives, or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the inspection or examination shall report such conditions and violations to the State Food Commissioner. The State Food Commissioner or the Assistant Commissioner shall thereupon issue a written order to the person, firm or corporation responsible for the violation or condition aforesaid to abate such condition or violation or to make such changes or improvements as may be necessary to abate them, within such reasonable time as may be required in which to abate them. Notice of such order may be served by delivering a copy thereof to said person, firm or corporation, or by sending a copy thereof by registered mail, and the receipt thereof through the postoffice shall be *prima facie* evidence that notice of said order has been received. Such person, firm or corporation shall have the right to appear in person or by attorney before the State Food Commissioner, or the person appointed by him for such purpose, within the time limited in the order, and shall be given an opportunity to be heard and to show why such order or instructions should not be obeyed. Such hearing shall be under such rules and regulations as may be prescribed by the State Food Commissioner. If after such hearing it shall appear that the provisions or requirements of this Act have not been violated, said order shall be rescinded. If it shall appear that the requirements or provisions of this Act are being violated, and that the person, firm or corporation notified as aforesaid is responsible therefor, said previous order shall be confirmed or amended, as the facts shall warrant, and shall thereupon be final, but such

additional time as is necessary may be granted within which to comply with said final order. If such person, firm or corporation is not present or represented when such final order is made, notice thereof shall be given as above provided. On failure of the party or parties to comply with the first order of the State Food Commissioner within the time prescribed, when no hearing is demanded, or upon failure to comply with the final order, within the time specified, the State Food Commissioner shall certify the facts to the State's Attorney of the county in which such violation occurred, and such State's Attorney shall proceed against the party or parties for the fines and penalties provided by this Act, and also for the abatement of the nuisance: *Provided*, that the proceedings herein prescribed for the abatement of nuisances as defined in this Act shall not in any manner relieve the violator from prosecution in the first instance for every such violation, nor from the penalties for such violation prescribed by section 13 of this Act.

§ 12. All fines collected under the provisions of this Act shall be paid into the county treasury of the county in which the prosecution is brought, and it shall be the duty of the State's Attorneys in the respective counties to prosecute all persons violating or refusing to obey the provisions of this Act.

§ 13. Whoever violates any of the provisions of this Act, or who refuses to comply with any lawful order or requirement of the State Food Commissioner, duly made in writing as provided in section 11 of this Act, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), and for the

second and subsequent offenses by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not more than ninety days, or both, in the discretion of the court, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions, as ordered by the State Food Commissioner, as aforesaid, shall constitute a distinct and separate offense.

§ 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 5, 1911. In force July 1, 1911.

## OLEOMARGARINE LAW.

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AN ACT *to regulate the manufacture and sale of substitutes for butter.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of this Act, every article, substitute or compound or any other than [that] which is produced from pure milk or cream therefrom, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk or its cream, is hereby declared to be imitation butter: *Provided*, that the use of salt and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

§ 2. No person shall coat, powder or color with annato or any coloring matter whatever, any substances designed as a substitute for butter, whereby such substitute or product so colored or compounded shall be made to resemble butter, the product of the dairy.

No person shall combine any animal fat or vegetable oil or other substance with butter, or combine therewith, or with animal fat or vegetable oil, or combination of the two, or with either one, any other substance or substances, for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or such substance or

substances into any of the articles of which the same is composed: *Provided*, nothing in this Act shall be construed to prohibit the use of salt, rennet and harmless coloring matter for coloring the products of pure milk or cream from the same.

No person shall, by himself, his agent, or employees produce or manufacture any substance in imitation, or semblance of natural butter, nor sell nor keep for sale, nor offer for sale any imitation butter, made or manufactured, compounded or produced in violation of this section, whether such imitation butter shall be made or produced in this State or elsewhere.

This section shall not be construed to prohibit the manufacture and sale, under the regulations hereinafter provided, of substances designed to be used, as a substitute for butter and not manufactured or colored as herein provided.

§ 3. Every person who lawfully manufactures any substances designed to be used as a substitute for butter, shall mark by branding, stamping or stenciling upon the top or side of each box, tub, firkin or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner in the English language, the word "oleomargarine," or the word "butterine," or the words "substitute for butter," or the words "imitation butter," in printed letters in plain Roman type, each of which shall not be less than three-quarters of an inch in length.

§ 4. It shall be unlawful to sell or offer for sale any imitation butter without informing the purchaser thereof, or the person or persons

to whom the same is offered for sale, that the substance sold or offered for sale is imitation butter.

§ 5. No person, by himself or others, shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter unless it shall be marked or branded on each tub, box, firkin, jar or other package containing the same, as provided in this Act, and unless it be consigned by the carriers and receipted for by its true name: *Provided*, that this Act shall not apply to any goods in transit between foreign states across the State of Illinois.

§ 6. No person shall have in his possession or under his control any substance designed to be used as a substitute for butter, unless the tub, firkin, jar, box or other package containing the same be clearly and durably marked as provided in this Act: *Provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves [or] their families. Every person who shall have possession or control of any imitation butter for the purpose of selling the same which is not marked as required by the provisions of this Act, shall be presumed to have known during the time of such possession or control the true character and name, as fixed by this Act, of such product.

§ 7. Whoever shall have possession or control of any imitation butter or any substance designed to be used as a substitute for butter, contrary to the provisions of this Act, for the purpose of selling the same, or offering the same for sale shall be held to have possession of such property with intent to use it in violation of this Act.

§ 8. No action shall be maintained on account of any sale or contract made in violation of, or with intent to violate, this Act, by or through any person who was knowingly a party to such wrongful sale or contract.

§ 9. Whoever shall deface, erase or remove any mark provided by this Act, with intent to mislead, deceive or to violate any of the provisions of this Act, shall be guilty of a misdemeanor.

§ 10. Whoever shall violate any of the provisions of this Act shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail not to exceed 60 days for each offense, or by both fine and imprisonment, in the discretion of the court, or the fine alone may be sued for and recovered before any justice of the peace in the county where the offense shall be committed, at the instance of any person in the name of the People of the State of Illinois as plaintiff.

§ 11. It is hereby made the duty of the State's Attorney of each county in this State to prosecute all violations of this Act upon complaint of any person, and there shall be taxed as his fees in the case the sum of ten dollars (\$10), which shall be taxed as costs in the case.

Approved June 14, 1897, in force July 1, 1897.

## STOCK FOOD LAW.

(As Amended in 1911.)

AN ACT *to regulate the sale and analysis of concentrated feeding stuffs.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every lot or parcel of concentrated commercial feed stuffs, as defined in section 2 of this Act, used for feeding farm live stock, sold or offered or exposed for sale within this State, shall have affixed thereto, in a conspicuous place on the outside thereof, a plainly printed statement in the English language clearly and truly certifying:

(a) The net weight of the contents of the package, lot or parcel;

(b) The name, brand or trade mark;

(c) The name and principal address of the manufacturer or the person responsible for placing the commodity on the market;

(d) The minimum per centum of crude protein; the minimum per centum of crude fat; and the maximum percentum of crude fibre; (to be determined by the methods adopted by the Association of Official Agricultural Chemists of the United States).

(e) The specific name of each ingredient used in its manufacture. A copy of said statement shall be filed with the State Food Commissioner on or before January 10th of each year.

If the feed stuff is sold in bulk, or if it is put up in packages belonging to the purchaser,



the agent or dealer shall, upon the request of the purchaser, furnish him with the certified statement described in this section.

§ 2. The term "concentrated commercial feed stuff," as used in this Act, shall include cotton seed meals, linseed meals, pea meals, bean meals, peanut meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, sucrose feeds, and all oil meals of all kinds, dried distillers' grains, dried brewers' grains, dried beef refuse, malt sprouts, malt refuse, hominy feeds, cereals feeds, rice meals, oat feeds, corn and oat feeds, corn, oat and barley feeds, chop feeds, corn bran, ground beef or fish, scraps, meat and bone meals, mixed feeds, except as otherwise provided in section 3 of this Act—clover and alfalfa meals, any mixture of any of the before mentioned substances with each other or with any other substance, condimental stock and poultry foods, medicinal stock and poultry foods consisting of or containing any of the substances included as concentrated commercial feed stuff as defined by this section, patented, proprietary or trademarked stock and poultry foods, and all other materials of a similar nature intended for stock or poultry, not included in section 3 of this Act.

§ 3. The term "concentrated commercial feed stuffs," as used in this Act shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn. Neither shall it include wheat bran or wheat middlings not mixed with other substances, but sold separately as distinct articles of commerce, nor wheat bran and wheat middlings mixed to-

gether, not mixed with any other substances, and known in the trade as "mixed feed," nor pure grains ground together unmixed with other substances.

§ 4. Any manufacturer, importer, agent or other person selling, offering or exposing for sale any concentrated feed stuffs included in section 2 of this Act, without the printed statement required by section 1 of this Act, or with a label stating that the said feed stuffs contains substantially a larger percentage of either crude protein or crude fat than is actually present therein, shall be fined fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.

§ 5. The State Food Commissioner is hereby authorized, in person or by deputy, to enter any premises where feed stuffs are stored and to take a sample not exceeding two pounds in weight, from any lot or package of any commercial feed stuff used for feeding any kind of farm live stock or poultry, as defined in section 2 or of excepted materials named in section 3 of this Act, which may be in possession of any manufacturer, importer, agent or dealer. Any sample so taken shall be put in a suitable vessel and a label signed by the State Food Commissioner or his deputy, placed on or within the vessel, stating the name or brand of the feed stuff or material sampled, the guaranty, the name of the manufacturer, importer or dealer, the name of the person, firm or corporation from whose stock the sample was taken, and the date and place of taking: *Provided, however,* that whenever a request to that effect is made the sample shall be taken in duplicate and carefully sealed in the presence of the person or persons of interest, or their representative, in which case one of the said duplicate

samples shall be signed and retained by the person or persons whose stock was sampled. Any person who shall obstruct the State Food Commissioner or his deputy while in the discharge of his duty under this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. The aforesaid State Food Commissioner shall cause at least one analysis of each feed stuff collected as herein provided to be made annually. Said analysis shall include the determinations of crude protein, of crude fat, and crude fiber, and of such other ingredients as it is deemed advisable at any time to determine. Said State Food Commissioner shall cause the results of the analysis of the sample to be furnished the Agricultural Experiment Station from time to time to be published in annual bulletins or special circulars, together with such additional information concerning the character, composition and use thereof as circumstances may require.

§ 6. Any person who shall adulterate any whole or ground grain with milling or manufacturing offals, or with any foreign substance whatever, or adulterate any bran or middlings or mixtures of wheat bran or wheat middlings known in the trade as "mixed feed," or any other standard by-product made from the several grains or seeds with any foreign substance whatever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the package containing the same or in which it is offered for sale and any person who knowingly sells or offers for sale any whole or ground grain, bran or middlings, or mixture of wheat

bran and wheat middlings known in the trade as "mixed feed," or other standard by-product, which has been so adulterated, unless the true composition, mixture or adulteration is plainly marked or indicated upon the package [containing] the same or in which it is offered for sale, shall on conviction, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense and such fines shall be paid into the treasury of the State.

§ 7. It shall be the duty of the State Food Commissioner to prosecute the person or persons violating any provisions of this Act, and for this purpose the State Food Commissioner may, if necessary; employ experts, and may further designate some person connected with his office, or some other suitable person, to make complaints in his behalf; and in making complaints for violation of this Act the person so designated shall not be required to enter any recognizance or to give security for the payment of costs: *Provided, however,* that there shall be no prosecution in relation to the quality of any unadulterated commercial feed stuff if the same shall be found to be substantially equivalent to the statement of analysis made by the manufacturers or importers.

§ 8. Each manufacturer, importer, agent or seller of any concentrated commercial feeding stuffs shall pay annually, during the month of December, to the Treasurer of the State of Illinois a license fee of twenty-five dollars (\$25.00) for each and every bran sold or offered for sale. Whenever a manufacturer, importer, agent or seller of concentrated commercial feeding stuffs desires at any time to sell such material and has not paid the license fee therefor in the preceding month of December, as required by this

section, he shall pay the license fee prescribed herein before making any such sale. Said Treasurer shall in each case at once certify to the State Food Commissioner the payment of such license fee. Each manufacturer, importer or person who has complied with the provisions of this article shall be entitled to receive a certificate from the State Food Commissioner setting forth said facts. The license fee received by the State Treasurer pursuant to the provisions of this section shall constitute a special fund from which to defray the expenses incurred in making the inspections and the analysis required by this Act, and enforcing the provisions thereof, and he shall report annually the amount received and the expense incurred for salaries, laboratory expenses, chemical supplies, traveling expenses, printing and other necessary matters. Whenever the manufacturer, importer or shipper of concentrated commercial feeding stuffs shall have filed the statement required by section 1 of this Act and paid the license fee as prescribed in this section, no agent or seller of such manufacturer, importer or shipper shall be required to file such statement or pay such fee.

§ 9. This Act shall not affect persons manufacturing, importing or purchasing feed stuffs for their own use and not to sell in this State.

§ 10. The term "importer," for all the purposes of this Act, shall be taken to include all who procure or sell concentrated commercial feed stuffs.

§ 11. When the rendition of a judgment imposes a fine as provided in any of the sections of this Act, it shall be the duty of the justice of the peace or other court rendering such judgment also to render a judgment for costs, and such justice of the peace or other court shall

forthwith issue a capias or warrant of commitment against the body of the defendant commanding that unless the said fine and costs be forthwith paid, the defendant shall be committed to the jail of the county, and the constable or other officer to whose hands said capias or warrant shall come, shall in default of such payment arrest the defendant and commit him to the jail of the county, there to remain as provided by section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1895, unless such fine and costs shall sooner be paid.

§ 12. All Acts and parts of Acts inconsistent with this Act, be and they are hereby repealed.

Approved May 18, 1905, in force July 1, 1905.  
Amendments to sections 1 and 2 approved June 2, 1911, in force July 1, 1911.

## RULES FOR LABELING.

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Pursuant to section 38 of the Illinois Dairy and Food Law, the following rules and regulations have been made by the State Food Commissioner:

1. *The principal label* of any package of food shall be printed plainly and legibly in English, with or without the foreign label in the language of the country where the product is produced or manufactured, and shall be prominently placed on the package.

*By the principal label* is meant whatever label or statement is required by law or these rules and regulations.

2. THE SIZE OF TYPE UPON SUCH LABEL, EXCEPT WHERE OTHERWISE SPECIALLY PROVIDED, SHALL NOT BE SMALLER THAN EIGHT POINT (BREVIER) CAPS, IN WHICH THIS SENTENCE IS PRINTED: *Provided*, that in case the size of the package will not permit the use of eight point cap type, the size of type may be reduced proportionately.

3. *Cartons* shall be labeled according to the same principal as bottle, can, or other receptacle contained therein.

4. *If the weight or measure* of the contents of a package is stated, it must be done correctly and plainly on the outside of the package.

5. *The grade or quality* of an article of food shall not be falsely represented. Such terms as double, triple, etc., shall mean two or three times the food value required by the standard.

6. *False and misleading labels*—The use of any label that shall bear any statement, design or device which is false or misleading is prohibited; and the use of any shift or device to evade the provisions of the law is a violation thereof.

7. *Deceitful and suggestive names and designs* shall not be used. No design presenting a superior ingredient, its source or a process of its manufacture, shall appear on the label unless the inferior ingredients are likewise so represented in an equally prominent manner.

8. *Defacing labels*—It is unlawful to deface, change, erase or remove any mark, label, or brand required by law with intent to mislead or deceive.

9. *Manufactured articles of food*, and food sold in package form must be distinctly labeled, marked or branded with the true name of the article. "Table Sirup," etc., are names for classes of food, but are not the true name of the article.

Manufactured articles of food and food sold in package form must also be distinctly labeled, marked or branded with the name and address of the manufacturer, packer or dealer: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

*First*—In case of mixtures or compounds which may be now, or from time to time, hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of



another article, if the name be accompanied on the same label or brand with the statement of the place where the article has been manufactured or produced.

*Second*—In case of articles labeled, branded tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word “compound,” “imitation,” or “blend,” as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, that the term “blend,” as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and as applied to alcoholic beverages, only those distilled spirits shall be regarded as “like substances” which are distilled from the fermented mash of grain and are of the same alcoholic strength.

10. *Compounds* shall be labeled with the true name of the ingredients, as “Maple and cane sirup,” etc., and the ingredient which predominates shall be named first.

11. *Coloring matter* when added to any article of food (except butter and cheese) shall be clearly indicated on the front of the package, by the words “Artificially Colored,” “Vegetable Coloring,” etc.

12. *All soaked or bleached goods*, or goods put up from products dried before canning, shall be plainly marked, stamped or labeled as such with the words “Soaked” or “Bleached Goods.” The term “soaked” need not be used in connection with names of food which are always dried goods soaked, as “baked beans.”

13. *The use of alum* in pickles or any other food product shall be stated on the label, using the common name alum.

14. *Saccharine*—The Referee Board of Scientific Experts has found that the use of saccharine in food products is unhealthful and injurious. Its use in food products is therefore an adulteration, and is prohibited.

15. *Jellies, jams, fruit butter, preserves, etc.*, containing glucose and no cane sugar shall be labeled "*Glucose (Fruit) Jelly*" or "*Corn Sirup (Fruit) Jelly*," etc.

16. *Jellies, jams, fruit butter, preserves, etc.*, containing glucose and sugar shall be labeled "*Glucose (or Corn Sirup) and Cane Sugar (Fruit) Jelly*," etc.; or shall be labeled "*Compound (Fruit) Jelly*," and the maximum percentage of glucose present shall be stated on the label immediately following, as "*Compound Apple Jelly containing 30 per cent Glucose.*"

17. *Food containing drugs*—Any article of food which contains morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis, indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substances, shall bear a statement on the label of the name and of the quantity or proportion of such substance contained.

18. *Preservatives*—The use in foods, and the advertisement or sale for use in foods, of formaldehyde, hydrofluoric acid, boric acid, salicylic acid and any of their compounds or derivatives is forbidden by law. The use of not to exceed 1/10 of 1 per cent of benzoate of soda will be allowed if the name and amount of preservative is plainly stated on the label. The use of sulphur dioxid in foods if plainly stated on the label will not be contested\* when found

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\*Pending the report of the Referee Board of Scientific Experts appointed by President Roosevelt.

in the following amounts: Not exceeding 350 milligrams of total (that is, both free and combined) sulphur dioxide per liter or kilogram, of which not exceeding 70 milligrams is in a free state.

19. *Bulk manufactured foods* when exposed for sale and not otherwise labeled as required by law, shall bear a placard in large letters and placed in a prominent position so as to be easily read by the customer as

GLUCOSE APPLE BUTTER.

THESE PICKLES CONTAIN ALUM AND SACCHARIN.

HAMBURGER STEAK PRESERVED WITH SODIUM SULPHITE.

FISH ARTIFICIALLY COLORED.

SUGAR, VINEGAR, ETC.

20. *Standards—Variations from*—Articles of food must conform to the requirements set out in section 39 of the Food Law and to the definition and requirements of the *food standards* adopted and promulgated by the State Food Standards Commission, unless such articles be *plainly labeled so as to clearly indicate such variation*.

Foods prominently labeled, *catsups, jellies*, etc., and containing added substances are not "plainly labeled so as to *clearly* indicate such variation" from standard when the names of these substances are printed on the label in small type together with, and in the same size type as, the common ingredients of catsup or jelly, etc., as the case may be. The names of substances added in small quantities should immediately follow, and should be in type at least one-fourth as large as the name of the product to which they are added.

21. *Vinegar to be branded*—All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded with the name of the fruit or substance from which the same is made. All vinegar shall be made wholly from the fruit or grain from which it purports to be represented to be made, and shall contain no foreign substance.

22. *Distilled vinegar*—All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and shall not be colored in imitation of cider vinegar.

23. *Extracts made from more than one principle* shall be labeled in a conspicuous manner with the name of each principle, or else with the name of the inferior or adulterant; and in all cases when an extract is labeled with two or more names, such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial, or compound, and the name of one of the articles used shall not be given greater prominence than another.

24. *Imitation extracts*—All extracts which cannot be made from the fruit, berry, bean, or other part of the plant, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled, "imitation" in letters similar in size and immediately preceding the name of the article.

25. *Extracts below standard* shall be labeled "One-half Standard Strength," "One-third Standard Strength," etc., as the case may be. Only common fractions shall be used and the statement of strength shall immediately precede the name of the extract.

26. *Extracts, misleading terms*—The terms "double," "triple," etc., as applied to flavoring extracts, are held to mean, respectively, two or

three times the minimum strength required by the standard. The term "concentrated" as applied to flavoring extracts is false and misleading.

27. *Extracts, synonymous terms*—The terms, extract, flavor, flavoring, spirits, essence and tincture, as applied to solutions used for flavoring food products are held to be synonymous, but the use of any term in lieu of the word "extract" is deprecated as applied to flavoring solutions made from an aromatic plant or part of the plant.

28. *Baking powder* shall contain not less than ten per cent (10%) available carbon dioxide, and the common names of all the ingredients shall be printed on the label. Alum is the common name for aluminum compounds.

29. *Skim milk* shall not be offered for sale or sold without first attaching to the can, vessel, or other package containing said milk, a tag with the words "skim milk" printed on both sides of said tag in large letters, each letter being at least three-fourths of an inch high and one-half inch wide. Such tag shall be attached to the top or side of said can, vessel, or package where it can be easily seen.

30. *Vehicles to be marked*—Those who engage in the retail milk business in cities and villages, having a population of five thousand or over, shall have each and every wagon or other vehicle from which milk or cream is sold, conspicuously marked with the name of the vendor on both sides thereof.

31. *Substitutes for lard* and imitation lard must have the tierce, barrel, pail, tub, or package containing the same distinctly and legibly branded or labeled with the name and location of the manufacturer, and the words, "lard substitute," or "adulterated lard," or "compound,"

"imitation," or "blend" as the case may be; except the same be sold under its own distinctive name as provided for in Rule 9. (See sections 9 and 25 of law.)

32. *The sale of lard substitutes* and imitation lard for genuine lard is a misdemeanor.

33. *Process of renovated butter* shall be plainly branded with the words "Renovated Butter" in the English language in Gothic or bold faced letters at least three-fourths of an inch in length on the top and sides of each tub, box, pail, or other kind of can or package, or on the wrapper of prints or rolls or bulk packages in which it is put up. If exposed for sale uncovered, or not in a case or package, a placard containing the above words shall be attached to such butter in a conspicuous manner.

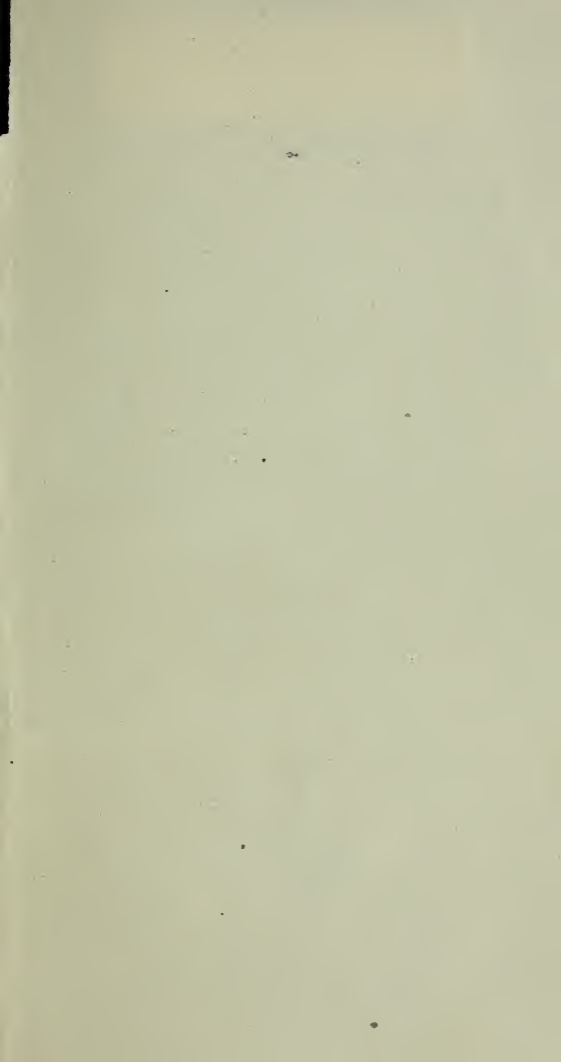
34. *Oleomargarine*—Every substitute for butter shall be marked by branding, stamping or stenciling upon the top or side of each box, tub, or firkin, or other package in a clear and durable manner "Oleomargarine," "Butterine," "Substitute for Butter," or "Imitation Butter," in plain Roman type, each of which shall be not less than three-quarters of an inch in length.

35. *Salad oil*—The term "salad oil" can be applied only to olive oil. Other edible oils may be sold as cotton-seed salad oil, peanut salad oil, etc., when intended for salad purposes.

ALFRED H. JONES,

*State Food Commissioner.*

Chicago, July 1, 1911.





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